

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KLX INC.,

Plaintiff,

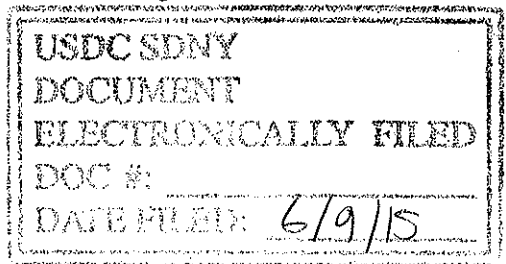
-against-

DAVID NISSEN and JOAN NISSEN ,

Defendants.

ECF Case

Civil Action No. 7:15 Civ. 2782 (LAP)



STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the Plaintiff KLX Inc. and Defendants David Nissen and Joan Nissen, through their respective undersigned counsel, that:

1. This cause came to be heard on the Complaint (the "Complaint") filed on April 9, 2015 by Plaintiff KLX Inc. ("KLX" or "Plaintiff") against Defendants David Nissen and Joan Nissen (collectively, "Defendants") (altogether, the "Parties") and its request for a Temporary Restraining Order and Preliminary Injunction based on the supporting memorandum of law and declaration of Charles Robinson.

2. On April 10, 2015, the parties appeared before the Honorable Kenneth M. Karas, U.S.D.J., who entered a Temporary Restraining Order (the "TRO") in Plaintiff's favor.

3. The TRO will remain in effect until the Court's entry of a decision on Plaintiff's Motion for a Preliminary Injunction after a Hearing on the merits, which will be held on September 24, 2015.

4. The Parties agree to refrain from discovery outside of that which KLX has already served on the Nissens. For a period of four (4) weeks beginning on June 8, 2015, KLX agrees to stay its third-party discovery requests to J&K Electronics d/b/a M3 Technology and (32634307;1)

Defendants agree to stay their discovery requests to KLX. After the expiration of this four-week period, the Parties may resume, without limitation, all discovery efforts outside of the discovery which has been served on the Nissens and the Electronically Stored Information (“ESI”) Protocol ordered by the Court on June 2, 2015.

5. During the four-week period described in Paragraph 4 above, the Parties may seek judicial intervention with respect to any dispute regarding the ESI protocol, including, but not limited to, challenges to assertions of privilege or disputes as to the responsiveness and/or relevance of documents.

6. The Parties believe they have resolved all disputes as to the written discovery KLX served on the Nissens. However, if, for some reason, a dispute were to arise as to this written discovery, the Parties may seek judicial intervention during the four-week period described in Paragraph 4 above.

7. Subject to the Court’s approval of the foregoing, the Parties mutually agree to extend Defendants’ time to respond to Plaintiff’s Motion for a Preliminary Injunction until no sooner than three (3) weeks prior to the date set by the Court for a Hearing. If the Court does not approve of the terms provided in this stipulation, Defendants will have three (3) days from that time to respond to Plaintiff’s Motion.

8. Plaintiff’s time to Reply to Defendants’ Opposition to Plaintiff’s Motion for Preliminary Injunction will be similarly extended consistent with the current briefing schedule in place and the terms in Paragraph 7 above until no sooner than five (5) days prior to the date set by the Court for a Hearing.

9. Subject to the Court’s approval of the foregoing, the Parties mutually agree to extend Plaintiff’s time to respond to Defendants’ Motion to Dismiss until no sooner than

two (2) weeks prior to a date set by the Court for a Hearing on Plaintiff's Motion for a Preliminary Injunction. If the Court does not approve of the terms provided in this stipulation, Plaintiff will have eleven (11) days from that time to respond to Defendants' motion

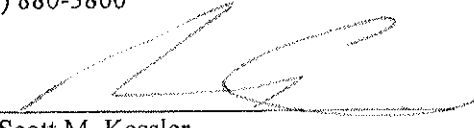
10. Defendants' time to Reply to Plaintiff's Opposition to Defendants' Motion for Dismiss will be similarly extended consistent with the current briefing schedule in place and the terms in Paragraph 9 above until no sooner than ten (10) days after the date set by the Court for a Hearing.

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By: 
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Dated: 6/9/15

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By: 
Scott M. Kessler

Dated: 6/9/15

SO ORDERED:

June 9, 2015
New York, New York


Loretta A. Preska
Chief United States District Court Judge